



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/746,947

12/21/2000

Marc S. Lemchen

P946

2376

23386

7590

09/08/2006

MYERS DAWES ANDRAS & SHERMAN, LLP
19900 MACARTHUR BLVD.,
SUITE 1150
IRVINE, CA 92612

EXAMINER

DOAN, DUYEN MY

ART UNIT

PAPER NUMBER

2152

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/746,947

Applicant(s)

LEMCHEN, MARC S.

Examiner

Duyen M. Doan

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 10-13 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 10-13 and 22-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to the submission filed on 6/9/06. Claims 1,10-13,22-24 are amended for examination. Claims 1-9,14-21 are cancelled. Claims 25-26 are newly added.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,10-13,22-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Pyles et al (us 20020055418) (hereinafter Pyles).

As regarding claim 1, Pyles discloses a program controlled computer coupled to the computer network for executing a program to generate a modifiable schedule of stress reduction exercises personalized to the user and which stress reduction exercises are to be performed by the user interactively through use of the computer (see Pyles page.1 par 0008-0010, user interacts with the computer, inputting the user exercise information to the computer), the computer receiving biofeedback input from the user (see Pyles page.1 par 0008-0010; page.2, par 0012-0014; page.3, par 0028-0029,0033-0035; user interacts with the computer, inputting the user exercise information to the computer), the program controlled computer monitoring compliance

Art Unit: 2152

by the user with the schedule of stress reduction exercises (see Pyles page.1 par 0008-0010; page.2, par 0012-0014; page.3, par 0028-0029,0033-0035), the schedule being modifiable according to the compliance of the user with the schedule (see Pyles page.1 par 0008-0010; page.2, par 0012-0014; page.3, par 0028-0029,0033-0035), according to the performance of the user in the stress reduction exercises, according to situational events to which the user is subjected, according to biofeedback from the user during performance of the stress reduction exercises or at times other than during the performance of the stress reduction exercises (see Pyles page.1 par 0008-0010; page.2, par 0012-0014; page.3, par 0028-0029,0033-0035, biofeedback from the sensor that sense the fitness condition of the user and send the information to the computer), according to information input into the computer by the user relating to personalized stress characteristics of the user and/or according to information input into the computer by the user relating to personalized stress related history of the user (see Pyles page.1 par 0008-0010; page.2, par 0012-0014; page.3, par 0028-0029,0033-0035, and at least one sensor to sense body stress signals from the user to provide the automatic biofeedback input to the computer, the body stress signals being communicated to the computer(see Pyles page.1 par 0008-0010; page.2, par 0012-0014; page.3, par 0028-0029,0033-0035,sensor that sense the user exercise condition and communicates the exercise condition to the computer).

As regarding claim 10, Pyles discloses the remote server that hosting the program (see Pyles page.3, par 0028-0029,0033-0035).

As regarding claim 11, Pyles discloses the program is downloaded by the user from the remote server via the computer network and is run on the computer (see Pyles page.3, par 0028-0029,0033-0035).

As regarding claim 12, Pyles discloses the program is run directly from the remote server via the network (see Pyles page.3, par 0028-0029,0033-0035).

As regarding claim 13, Pyles discloses automatically inputting personal stress factors relating to a user from sensors through a user's client computer coupled to the computer network (see Pyles page.1 par 0008-0010; page.2, par 0012-0014; page.3, par 0028-0029,0033-0035, sensor that sense the user exercise condition and communicates the exercise condition to the computer); receiving body stress signals from the user through the user's client computer (see Pyles page.1 par 0008-0010; page.2, par 0012-0014; page.3, par 0028-0029,0033-0035); and generating a modifiable schedule of stress reducing exercises personalized to the user and to be performed interactively by the user by use of the computer based of the personal stress factors relating to the user (see Pyles page.1 par 0008-0010; page.2, par 0012-0014; page.3, par 0028-0029,0033-0035, adjust resistance or other exercise parameter); monitoring compliance by the user with the schedule of stress reduction exercises on the user's client computer; and modifying the schedule according to the compliance of the user with the schedule, according to the performance of the user in the stress reduction exercises according to situational events to which the user is subjected, according to biofeedback from the user during performance of the stress reduction exercises or at times other than during the performance of the stress reduction

Art Unit: 2152

exercises (see Pyles page.1 par 0008-0010; page.2, par 0012-0014; page.3, par 0028-0029,0033-0035), according to information input into the computer by the user relating to personalized stress characteristics of the user, and/or according to information input into the computer by the user relating to personalized stress related history of the user (see Pyles page.1 par 0008-0010; page.2, par 0012-0014; page.3, par 0028-0029,0033-0035).

As regarding claims 22-24, the limitations are similar to limitations of claims 10-12, therefore rejected for the same rationale as claims 10-12.

As regarding claim 25, Pyles discloses a program controlled computer coupled to the computer for executing a program to generate a dynamically modified schedule of stress reduction exercises personalized to the user and which stress reduction exercises are to be performed by the user interactively through use of the computer (see Pyles page.1 par 0008-0010; page.2, par 0012-0014; page.3, par 0028-0029,0033-0035), the computer receiving biofeedback input from the user, the program controlled computer monitoring compliance by the user with the schedule of stress reduction exercises, the schedule being modified according to the compliance of the user with the schedule, user's stress status, and/or user performance (see Pyles page.1 par 0008-0010; page.2, par 0012-0014; page.3, par 0028-0029,0033-0035), and at least one sensor to sense body stress signals from the user to provide the automatic biofeedback input to the computer, the body stress signals being communicated to the computer (see Pyles page.1 par 0008-0010; page.2, par 0012-0014; page.3, par 0028-0029,0033-0035).

As regarding claim 26, Pyles discloses automatically inputting personal stress factors relating to a user from sensors through a user's client computer coupled to the computer network (see Pyles page.1 par 0008-0010; page.2, par 0012-0014; page.3, par 0028-0029,0033-0035); receiving body stress signals from the user through the user's client computer (see Pyles page.1 par 0008-0010; page.2, par 0012-0014; page.3, par 0028-0029,0033-0035); generating a modifiable schedule of stress reducing exercises personalized to the user and to be performed interactively by the user by use of the computer based on the personal stress factors relating to the user; monitoring compliance by the user with the schedule of stress reduction exercises on the user's client computer (see Pyles page.1 par 0008-0010; page.2, par 0012-0014; page.3, par 0028-0029,0033-0035); and modifying the schedule according to the compliance of the user with the schedule, user's stress status and/or user performance (see Pyles page.1 par 0008-0010; page.2, par 0012-0014; page.3, par 0028-0029,0033-0035).

Response to Arguments

Applicant's arguments with respect to claims 1,10-13,22-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Art Unit: 2152

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

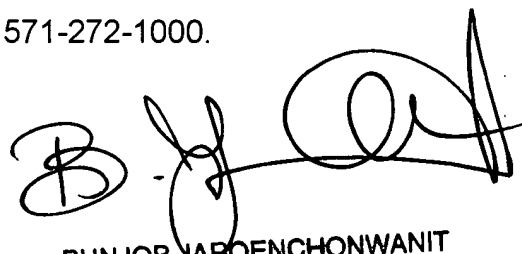
Art Unit: 2152

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M. Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob A. Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner
Duyen Doan
Art unit 2152



BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER